

REMARKS

Claims 22-46 are pending in this application, all of which stand rejected. Claims 22, 37, 39, and 43 have been amended to more clearly define the bounds of the present invention. No new matter has been added.

Rejection Under 35 U.S.C. § 112:

Claim 22 has been rejected under 35 USC 112 based upon two different grounds. As to the redundant language cited by the examiner, such has been corrected by amendment herein. Regarding the examiner's assertion that it is unclear as to whether claim 22 is a method of apparatus claim, applicant respectfully disagrees. Claim 22 clearly defines a method, and the first few words of the preamble merely state that the method is practiced in a system.

All of the claims have been rejected under 35 USC 103 over various combinations of the two or three cited references. Based upon the amendments presented herein, and the discussion below, applicant respectfully traverses the rejections and asserts that the claims are now in condition for allowance.

All of the rejections rely upon what applicant believes is a misinterpretation of the teachings of Portesky.

Regarding claim 22, Poretzky does not teach an interface for a "packet switched network, receiving information on resource status in the second telephony network using an out of band signaling protocol; and when said information on resource status indicates that resources are available in said second telephony network...implementing call setup for the call through said packet switched data network with a separate signaling protocol..."

Instead, Poretzky teaches an ATM switch that allocates its resources to service calls routed through the ATM switch (Col. 2, lines 19-35). In particular, the ATM switch in Poretzky determines whether the ATM switch itself has the bandwidth resources to complete a call using a bandwidth allocation algorithm (Col. 2, lines 35-40). In other words, the ATM switch in Poretzky does not receive information on resource status in a second telephony network because the ATM switch is merely examining its own internal resources. Moreover, Portesky does not even disclose the ATM switch using any out of band signaling. Accordingly, Poretzky does not teach an interface for a "packet switched network, receiving information on resource status in the second telephony

network using an out of band signaling protocol; and when said information on resource status indicates that resources are available in said second telephony network...implementing call setup for the call through said packet switched data network with a separate signaling protocol..." as recited in claim 22.

Moreover, Iwama discloses a basic Internet telephony system. Adding the teaching of Poretsky to Iwama would merely result in a system in which any switching element of Iwama could allocate resources for use in various communications sessions or calls. Such combination would not result in a "packet switched network, receiving information on resource status in the second telephony network using said out of band signaling protocol; and when said information on resource status indicates that resources are available in said second telephony network...implementing call setup for the call through said packet switched data network with a separate signaling protocol..."

Applicant respectfully submits that contrary to the assumption that appears inherent in the rejection, claim 22 does not simply claim a switch that allocates or reserves resources. Instead, claim 22 defines a specific manner of setting up calls through said packet switched network which is recited in the above quoted claim language. Accordingly, applicant believes the rejection of claim 22, in view of the amendments presented here, should be withdrawn.

Similarly, claim 37 requires that an SS7 protocol is used to determine availability "prior to reservation of resources for call completion in the packet switched network." Given the missing teaching of Iwama and Poretsky, it is submitted that merely adding the SS7 protocol of Elliott, as asserted by the Examiner, would not result in a system where SS7 is used to implement availability communications "prior to reservation of resources for call completion in the packet switched network."

For reasons similar to those discussed above, it is believed that claims 39 and 43 are also patentable. That is, the combinations suggested by the examiner, due to their reliance on Poretsky, would merely result in a system where a switch allocates resources, as Poretsky discusses. The detailed limitations of independent claims 22, 37, 39, and 43 relating to techniques for completing calls through the packet switched network would not result. Accordingly, applicant's respectfully request reconsideration and allowance of the present claims as amended.

Applicants submit herewith a Request for Continued Examination for this application.
The Commissioner is hereby authorized to deduct any fees believed due, or credit any overpayment to, our Deposit Account No. 50-5470.

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Respectfully submitted,

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